

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.
Defendant KEVIN DAVID MITNICK
akas:

Docket No. CR 96-506-MRP ✓
CR 96-881-MRP

ORIGINAL

Social Security No. 550-39-5695

Mailing Address:

Metropolitan Detention Center
535 North Alameda St.
L.A., Ca. 90012

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person, on August 9, 1999.

COUNSEL: x WITH COUNSEL Donald C. Randolph (Appointed)
(Name of Counsel)

PLEA: x GUILTY, and the Court being satisfied that there is a factual basis for the plea. NOLO CONTENDERE NOT GUILTY

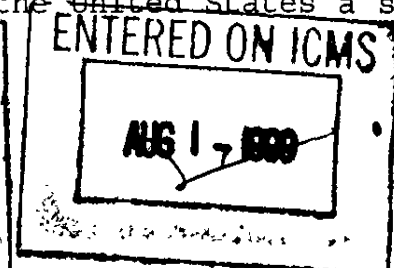
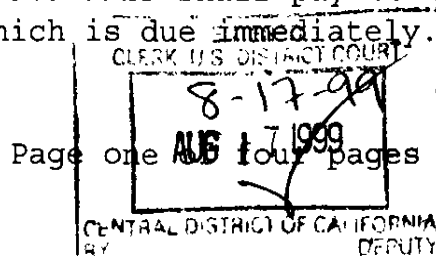
FINDING: There being a finding/verdict of GUILTY, defendant has been convicted as charged of the offense(s) of: Interception of electronic communications; computer fraud in violation of 18 USC 2511(1)(a); 18 USC 1030(a)(4) as charged in counts 1 and 2 of the Information in case CR 96-506-MRP; Wire fraud, aiding and abetting, causing an act to be done, and causing damage to computers in violation of 18 USC 1343, 2a, 2b, and 18 USC 1030(a)(5) as charged in counts 1,5,8,10 and 16 of the Indictment in case CR 96-881-MRP.

JUDGMENT AND PROBATION/COMMITMENT ORDER:

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court the defendant is hereby committed to the Bureau of Prisons to be imprisoned for a term of:

Pursuant to Section 5E1.2(e) of the Guidelines, all fines are waived as it is found that the defendant does not have the ability to pay a fine in addition to restitution.

It is ordered that the defendant shall pay to the United States a special assessment of \$350.00, which is due immediately.



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While the defendant is on probation or supervised release pursuant to this Judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. The defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. The defendant shall support his or her dependents and meet other family responsibilities;
6. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. The defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make notifications and to conform the defendant's compliance with such notification requirement;
15. The defendant shall not possess a firearm or other dangerous weapon;
16. The defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

The conditions are in addition to any other conditions imposed by this Judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____, the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

UNITED STATES MARSHAL

DATED: _____

BY: _____

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT

DATED:  _____

BY: _____

United States District Court
Central District of California

UNITED STATES OF AMERICA

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ORIGINAL

KEVIN DAVID MITNICK

JUDGMENT AND PROBATION/COMMITMENT ORDER

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It is ordered that the defendant shall pay restitution in the total amount of \$4,125.00 pursuant to 18 USC 3663 to Fujitsu Network \$742.50; Motorola, Inc. \$453.75; Nokia Mobile Phones \$288.75; Novell, Inc. \$495.00; University of Southern California \$288.75; Quest Comm. Corp. \$577.50; The Well, \$330.00; U.S. West/Airtouch \$123.75; NPACI/SDSC MC 0505 \$41.25; MCI/USLD \$41.25; Pacific Bell \$41.25; Sun Microsystems \$330.00 and ICG-PST \$371.25.

If the defendant makes a partial payment, each payee shall receive approximately proportional payment unless another order is entered by the Court.

Restitution shall be due during the period of imprisonment, as directed by the Court or the United States Attorney, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, monthly payments of \$125.00 shall be made during the period of supervised release as directed and approved by the Probation Officer. These payments shall begin 30 days after the commencement of supervision. Partial restitution is ordered as the court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the full amount of restitution outstanding.

If any amount of restitution ordered remains unpaid after the termination of supervision, the balance shall be paid as directed by the United States Attorney's Office.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Kevin David Mitnick, is hereby committed on counts 1 and 2 of the Information in Case No. CR 96-506-MRP, and counts 1,5,8,10 and 16 of the Indictment in Case No. CR 96-881-MRP, to the custody of the Bureau of Prisons to be imprisoned for a term of 46 months.

This term consists of 46 months on each of counts 1 and 2 of the Information in Case No. CR 96-506-MRP, and counts 1,5,8,10 and 16 of the Indictment in Case No. CR 96-881-MRP, all to be served concurrently to each other, and consecutively to the sentence of 8 months previously imposed in Case No. CR 95-603-MRP and 14 months previously imposed in Case No. CR 88-1031-MRP.

While the defendant is on probation or supervised release pursuant to this Judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. The defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. The defendant shall support his or her dependents and meet other family responsibilities;
6. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. The defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make notifications and to conform the defendant's compliance with such notification requirement;
15. The defendant shall not possess a firearm or other dangerous weapon;
16. The defendant shall, upon release from any period of custody, report to the probation officer within 72 hours.

The conditions are in addition to any other conditions imposed by this Judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

Defendant delivered on _____ to _____

at _____, the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

UNITED STATES MARSHAL

DATED: _____ BY: _____

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT

DATED: _____ BY: _____

United States District Court
Central District of California

UNITED STATES OF AMERICA

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JUDGMENT AND PROBATION/COMMITMENT ORDER

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Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years.

This term consists of 3 years on each of counts 1 and 2 of the Information in Case No. CR 96-506-MRP, and 3 years on each of counts 1,5,8,10 and 16 of the Indictment in Case No. CR 96-881-MRP, all such terms to run concurrently, on the following terms and conditions: (1) the defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318; (2) The defendant shall abstain from using illicit drugs during the period of supervision; (3) during the period of community supervision the defendant shall pay the special assessment and restitution in accordance with this judgment's orders pertaining to such payment; (4) the defendant shall not obtain or possess any driver's license, Social Security number, birth certificate, passport or any other form of identification without the prior written approval of the Probation Officer; further, the defendant shall not use, for any purpose or in any manner, any name other than his true legal name. The defendant shall not legally change his name during the term of community supervision without the expressed approval of the Court; (5) without the prior expressed written approval of the Probation Officer: 1. the defendant shall not possess or use, for any purpose, the following: (a) any computer hardware equipment; (b) any computer software programs; (c) modems; (d) any computer-related peripheral or support equipment; (e) portable laptop computers, "personal information assistants," and derivatives; (f) cellular telephones; (g) televisions or other instruments of communication equipped with online, Internet, world-wide web or other computer network access; (h) any other electronic equipment, presently available or new technology that becomes available, that can be converted to or has as its function the ability to act as a computer system or to access a computer system, computer network or telecommunications network (except defendant may possess a "land line" telephone);

While the defendant is on probation or supervised release pursuant to this Judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. The defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. The defendant shall support his or her dependents and meet other family responsibilities;
6. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. The defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make notifications and to conform the defendant's compliance with such notification requirement;
15. The defendant shall not possess a firearm or other dangerous weapon;
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DATED: _____

BY: _____

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United States District Court
Central District of California

UNITED STATES OF AMERICA

Docket No. CR 96-506-MRP ✓
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JUDGMENT AND PROBATION/COMMITMENT ORDER


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2. The defendant shall not be employed in or perform services for any entity engaged in the computer, computer software, or telecommunications business and shall not be employed in any capacity wherein he has access to computers or computer-related equipment or software; 3. the defendant shall not access computers, computer networks or other forms of wireless communications himself or through third parties; 4. the defendant shall not act as a consultant or advisor to individuals or groups engaged in any computer-related activity; 5. the defendant shall not acquire or possess any computer codes (including computer passwords), cellular phone access codes or other access devices that enable the defendant to use, acquire, exchange or alter information in a computer or telecommunications database system; 6. the defendant shall not use or possess any data encryption device, program or technique for computers; 7. the defendant shall not alter or possess any altered telephone, telephone equipment or any other communications-related equipment; and 8. the defendant shall only use his true name and not use any alias or other false identity.

It is recommended that the defendant not serve this sentence at a Half-Way House, but the Court does recommend Nellis Federal Prison Camp in Las Vegas. It is further ordered that on motion of the U.S. Attorney counts 2-4,6,7,9, 11-15 and 17-25 in Case No. 96-881-MRP are dismissed.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release set out on the reverse side of this judgment be imposed. the Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

Signed by: District Judge


MARIANA R. PFAELZER

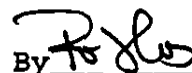
It is ordered that the Clerk deliver a certified copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

AUG 16 1999

Dated/Filed

Month / Day / Year

Sherri R. Carter, Clerk

By 

Deputy Clerk

Robert J. Flores

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UNITED STATES MARSHAL

DATED: _____

BY: _____

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CLERK, U. S. DISTRICT COURT

DATED: _____

BY: _____